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                   UNITED STATES DISTRICT COURT
                   MIDDLE DISTRICT OF TENNESSEE
                       NASHVILLE DIVISION
 3
     UNITED STATES OF AMERICA
 4
     VS
                                       No. 3:20-mj-2336
 5
     CALEB JORDAN
 6
 7
            BEFORE THE HONORABLE JEFFERY S. FRENSLEY,
 8
                         MAGISTRATE JUDGE
 9
                TRANSCRIPT OF ELECTRONIC RECORDING
10
                       (via video conference)
11
                   April 23, 2020 - (REDACTED)
12
13
     APPEARANCES:
14
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The above-styled cause came to be heard on April 23, 2020, before the Hon. Jeffery S. Frensley, Magistrate Judge, when the following proceedings were had to-wit:

TRANSCRIPT OF ELECTRONIC RECORDING

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THE COURT: Good afternoon. Welcome, everyone. We're here this afternoon in the matter of the *United States of America versus Caleb D. Jordan*. It's Case No. 20-mj-2336. And we are here today by video conference.

Mr. Jordan is present on the video conference, along with Mr. Brandon. And I see Mr. Hendrix. We also have Ms. Santos from the pretrial services office. I do not see Ms. Daughtrey. Is she on?

MR. BRANDON: Your Honor, she was here earlier and I think must have dropped off accidentally. I would also note that it appears we've got -- some echo is coming from the marshals that we may be able to ask them to do something about.

THE COURT: Yeah.

MS. DAUGHTREY: I am on. Can you hear

1 me? 2 THE COURT: Yes, I can hear you. 3 MS. DAUGHTREY: I am on here. I don't know why my video's not working. 4 5 THE COURT: All right. Well, okay, 6 that's fine. I guess one option you can do is you can 7 refresh, if you want to, Ms. Daughtrey. That might 8 address the issue. We'll go ahead. 9 So, Mr. Brandon, we had set this matter 10 today for a preliminary hearing and detention hearing. 11 Have you had an opportunity to speak with Mr. Jordan 12 in advance of this hearing? 13 MR. BRANDON: Yes, sir, I have. 14 THE COURT: Okay. And did you talk with 15 him about proceeding by video conference today? 16 MR. BRANDON: Yes, Your Honor. 17 THE COURT: All right. Very good. And 18 do you have any objection to proceeding by video 19 conference, Mr. Brandon? 2.0 MR. BRANDON: I don't, Your Honor. 2.1 THE COURT: All right. Mr. Jordan, for 22 purposes of the record, you've heard Mr. Brandon 2.3 indicate that he's talked with you about proceeding by 2.4 video conference today. I just want to confirm that

you consent to proceeding by video conference today.

1 Is that correct, sir? THE DEFENDANT: Yes, Your Honor. 3 THE COURT: All right, thank you, sir. 4 So the Court's in receipt of the Pretrial 5 Services Report, which I've reviewed. I assume that 6 you each have a copy of it and you can keep your copy 7 of the report at the completion of this proceeding. 8 Mr. Brandon, how are we going to proceed 9 today? 10 MR. BRANDON: I'm sorry, was that a 11 question directed at me? 12 THE COURT: Yes. MR. BRANDON: Yes, Your Honor. Today we 13 14 intend to waive and reserve our right to a detention 15 hearing, but proceed with the preliminary hearing. 16 THE COURT: Okay, very good. Thank you. 17 I'm wondering, is there anybody in the 18 marshals lockup with you, Mr. Jordan? Mr. Jordan, can 19 you hear me? 2.0 THE DEFENDANT: Yes. Yes, Your Honor. 2.1 THE COURT: I'm wondering if somebody in 22 the lockup could just mute your microphone so we won't 2.3 get this feedback. And if at some point in time you 2.4 need to say something, just, you know, wave to us or 25 something and we'll be looking out for that, but we're

1 getting a lot of feedback and it appears to be coming 2. from the marshals area. Is there some way maybe you 3 can ask them if they could mute the microphone on 4 your -- on your computer? 5 MR. HENDRIX: Your Honor, if you want me 6 to, I can try to call -- I can try to call control on 7 my cell phone and have somebody go in there. 8 THE COURT: Okay. 9 MR. HENDRIX: Give me just one second. 10 Let me see if I can get them because I don't think 11 they're in processing where he's at and can hear you. 12 THE COURT: Okay. 13 Give me one second. MR. HENDRIX: 14 THE COURT: Thank you. It will make it a 15 little bit better for everybody to be able to hear 16 what's going on. Mr. Jordan, you'll still be able to 17 hear everything. We just won't get the feedback 18 that's coming out of the cell area there. 19 Okay. My courtroom deputy just indicated 2.0 she's called already and they're going to go in and 2.1 take care of it. Thank you, Mr. Hendrix. 22 MS. DAUGHTREY: Can you-all see me at 23 this point? 2.4 THE COURT: Yes. 25 MS. DAUGHTREY: Okav.

(Pause in proceedings.)

MR. BRANDON: Your Honor, I just wanted to notify the Court that I had my investigator, Richard Moore, in the office here with me as well. If he pops up on the screen (indiscernible).

THE COURT: Okay, that's very good.

Thank you, Mr. Brandon. That's fine.

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MS. DAUGHTREY: Judge, I was just playing around in here, and I was able to actually mute the defendant. So apparently that's an option that any of us can do.

THE COURT: I want to make sure.

Sometimes that causes difficulty with him hearing.

Mr. Jordan, can you hear still us? Can you hear us,

Mr. Jordan? Give us a thumbs up if you can. Okay.

It looks like we're good now. I'm not hearing any

feedback. Is anybody else having an issue? Okay.

MS. DAUGHTREY: No.

THE COURT: Thank you to the marshals for assisting us with that. And Mr. Jordan, you can still hear everything; correct? If you'd give me a thumbs up, if you can. All right, very good.

All right. Then, Ms. Daughtrey, you heard Mr. Brandon indicate that he's going to waive and reserve on detention and go forward with the

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     preliminary hearing. So are you prepared to go
     forward at this time?
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                   MS. DAUGHTREY: Yes, I am, Your Honor.
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                   THE COURT: Just --
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                  MS. DAUGHTREY: And I would like to
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     call --
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                   THE COURT: I'm sorry, I just wanted
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     to --
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                   MS. DAUGHTREY: Go ahead.
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                   THE COURT: We did receive a couple of
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     exhibits. I wanted to make sure Mr. Brandon's
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     received those as well.
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                  MR. BRANDON: Your Honor, I received two
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     exhibits, what I understand to be two exhibits.
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                   THE COURT: Okay, very good. Okay, then
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     you can go ahead.
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                  MS. DAUGHTREY: Okay. I'd like to call
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     HSI Special Agent Jonathan Hendrix.
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                   THE COURT: All right. Agent Hendrix,
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     you're on the video conference already. We need to
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     swear you.
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                         JONATHAN HENDRIX
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     called as a witness, after having been first duly
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     sworn, testified as follows.
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                   THE COURT: Very good.
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DIRECT EXAMINATION

2 BY MS. DAUGHTREY:

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- Q. All right. Could you state your name for the record and spell your last name?
- A. Yes, ma'am. My full name is Jonathan Andrew Hendrix, H-e-n-d-r-i-x. I am employed as a special agent with the United States Department of Homeland Security in Nashville, Tennessee, and have been so for about 18 years.
- Q. Thank you. And you are the lead agent locally; is that correct?
 - A. Yes, ma'am, that's correct.
- Q. Okay. Have you read the affidavit in support of the arrest warrant?
 - A. Yes, ma'am, that's correct.
- Q. Is everything in that affidavit true and correct to the best of your knowledge?
 - A. To my knowledge, yes, ma'am.
- Q. Okay. And you've been involved in this investigation from the beginning when it -- when it hit Nashville, at least?
- A. That's correct, once -- once our office received it, that's correct.
- Q. Okay. All right. So I wanted to, in addition to the affidavit, to ask if you-all have been

able to further the investigation since the arrest?

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- A. We have -- we have somewhat. During a search warrant that was executed, we seized numerous items of -- numerous electronic items, and that's going to take some time to -- to examine.
- Q. Okay. And what makes you say that? Have you begun the (indiscernible)?
- A. We have. We've begun the examination process. There were several items, I think somewhere around 20 items that were taken, electronic devices or items. The ones that we have been able to, to date, to be able to go through are thumb drives that were taken from the residence of the defendant, as well as the defendant's cell phone. He was arrested in possession of a -- I think it was an iPhone XR.

And originally it was -- it was not -- it was locked, but (indiscernible) software has now been able to get into the device. So we were able to parse that out. But that one device had 88,000 files on it, so it will take several days to -- to figure out what was even on that one device. The thumb drives themselves had around 20,000 files on them. And other items we haven't been able to --

Q. Okay. So over a hundred thousand files on these thumb drives and phone?

- A. Yes, ma'am, that's correct.
- Q. Okay. And these items that you're talking about, where in the home were they seized from?
- A. His bedroom. The only room that we searched in the house, to my knowledge, was his bedroom. I was not present for the search.
- Q. Okay. And has anybody looked -- begun to look at the files that you've retrieved so far from the thumb drives and the phone?
 - A. Yes, ma'am.

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- Q. Okay. And what -- what is the nature of the files -- of those files?
- A. The thumb drives that were discovered in the -- in the defendant's bedroom contained large amounts of child exploitation material, child pornography. I think total to date, not all of it has been -- it will take us a while to actually examine all of them, but we have a program called Griffi (phonetic) that we use that looks for images and videos. And of those images and videos off of these devices, as of right now, as we stand, there were 4300 images and videos of child pornography identified on those drives and the cell phone combined, but we're only about 25 percent through those items.

So I don't know -- I can only tell you that's what I have now. I can't -- I can't guess to what we will have. I don't know.

- Q. Okay. And in the affidavit for the arrest warrant, there was some chats that were between -- between -- I'm trying to -- sorry. Between who you believed to be the defendant and -- and the (indiscernible); is that correct?
- A. Victims' Instagram chats, yes, ma'am, that's correct.
- Q. Instagram chats, I'm sorry, yes. Do you know which particular chat that I'm referring to from the -- from the affidavit?
 - A. Yes, ma'am.

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- Q. Okay. And I would like for you to look at Exhibit 1. I think you may already have seen it. But if you could turn to that exhibit.
 - A. I do. I have it.
- Q. Okay. And what -- what exactly is that exhibit? What does it represent?
- A. I have six pages that is from an Instagram Records Return after the Tennessee Bureau of Investigation executed a search warrant on the Instagram account. And these are six pages that is from a 68,000-page document returned by Instagram.

1 Q. And that (indiscernible) is mentioned in 2 the affidavit; correct? 3 Α. Yes, ma'am. Okay. And the -- the chats, who are they 4 Ο. 5 The significant chats in those pages, who between? 6 are they between? 7 MR. BRANDON: Your Honor, I'd just like 8 to lodge a standing objection to hearsay. I'm pretty 9 sure I know where that objection is going, but just 10 for the record want to lodge that. 11 THE COURT: All right. It will be noted. 12 Overruled. You can continue. 13 BY MS. DAUGHTREY: 14 Could you tell us the usernames? Q. 15 THE WITNESS: I didn't hear the Judge. 16 MR. BRANDON: Yeah, I couldn't hear the 17 Judge either. 18 THE COURT: Sorry about that. 19 objection is noted and overruled. You can continue. 2.0 BY MS. DAUGHTREY: 2.1 Can you tell us what the usernames were Ο. 22 on there? 2.3 Yes, ma'am. Α. The usernames on the 2.4 Instagram chats are fun kid ten underscore YO; YO 25 underscore boi, b-o-i, underscore manny, m-a-n-n-y,

underscore. And then Rick underscore it looks like 0 and then 0.

- Q. Okay. And those are the individuals that are engaged in the chat; is that correct?
 - A. This particular chat, yes, ma'am.
- Q. Okay. And what is the nature of -- or I guess first I'd like to ask that that exhibit be entered into evidence as Exhibit 1.

THE COURT: It will be admitted.

(Government Exhibit No. 1 was admitted.)

BY MS. DAUGHTREY:

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- Q. So, Agent Hendrix, what is it those pages from the Instagram return represent?
- A. They they represent a chat between Instagram users that appears to be sexual in nature or attempting to get someone to do something or create something sexual in nature.
- Q. And the portions of that particular chat were included in that statement; is that correct?
 - A. Portions of them, yes, ma'am.
- Q. Yeah. So were you all able to determine who these individuals were that were in the -- in the chat, starting with funkid10_YO?
- A. Yes, ma'am. The three individuals in the chat, funkid10_YO, we believe, is the defendant,

- Mr. Jordan. And the other two that I mentioned are victims that we identified in Virginia, the state of Virginia.
 - Q. Okay. And are those two brothers, from your understanding?
 - A. That's correct. One is 11 and one is 13.
 - Q. Has anybody spoken with those victims?
 - A. Yes, ma'am.

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- Q. Okay. And were they able to identify an additional victim from the interviews of these two and their families?
- A. They were able to identify a neighboring 12-year-old boy.
- Q. Okay. And did the -- did the two boys in Virginia that are brothers that are in this discussion here, did they confirm their Instagram names?
 - A. Yes, ma'am, they did.
- Q. Okay. And did they know who funkid10_YO was?
- A. The agents that were able to locate them and interview them stated that funkid10_YO was Caleb Jordan. Caleb Jordan lived in Tennessee, and that he was adopted.
- Q. Okay. I'm sorry. Did you say that he lived in Mt. Juliet?

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             Α.
                  Mt. Juliet, Tennessee. I just said
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     Tennessee, but they did -- they did say Mt. Juliet,
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     Tennessee (indiscernible).
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                   Somehow my sound is off.
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                   THE COURT: Can you hear now?
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     BY MS. DAUGHTREY:
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                  Did they know this individual as Caleb
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     Jordan?
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                   Yes, ma'am, they identified a photograph
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     of him and stated that he lives in Tennessee.
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     believe they did say Mt. Juliet, Tennessee, and that
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     he was -- he was also adopted.
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                   MS. DAUGHTREY: If I could have just a
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              I'm having difficulty hearing everybody.
     moment.
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                   THE COURT: Yeah, that's fine.
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                   Mr. Jordan, you're able to hear
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     everything okay, aren't you? If you are, give me a
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     thumbs up. All right, thank you, sir.
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                   Any luck, Ms. Daughtrey?
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                   MS. DAUGHTREY: I'm getting something on
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     here that said Windows (indiscernible) is not
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     responding. I'm sorry for the delay.
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                   THE COURT: No, that's okay.
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                   Any luck, you hearing anything that I'm
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     saying?
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                  MS. DAUGHTREY: Are you guys able to hear
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     me?
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                   THE COURT: Yeah, we've got you.
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                  MS. DAUGHTREY:
                                  I'm going to try to come
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     up on my -- on my home computer, I'm sorry.
                               Okay. If you want to -- you
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                   THE COURT:
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     could try to refresh. Are you there?
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                  MS. DAUGHTREY: Yeah, I can hear you.
                   THE COURT: Oh, great.
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10
                                   Sorry. I am so sorry
                  MS. DAUGHTREY:
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     about that.
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                   THE COURT: That's fine.
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                  MR. BRANDON:
                                Your Honor, could I just
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     object, I quess, to the form of the question.
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     believe it was originally directed about the victim's
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     knowledge, and then I think the answer was about the
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     agent's knowledge. And I'm just -- I'm not sure who
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     we're talking about at this point.
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                   THE COURT: All right. The objection's
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     noted.
             You want to clarify a little bit,
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     Ms. Daughtrey?
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                  MS. DAUGHTREY: Yeah. I didn't hear what
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     the response was.
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     BY MS. DAUGHTREY:
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                  Did they inform the agents that they knew
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     that this person that went by funkid10_YO was a person
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     by the name of Caleb Jordan?
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                   THE COURT: We're not getting you there,
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     Mr. Hendrix.
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                   THE WITNESS: How about now?
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                   THE COURT: Yes.
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                   THE WITNESS: Excellent.
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                   Yes, that's correct. They identified him
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     through a photograph and also knew him from his
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     Instagram username. And stated that he lived in
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     Tennessee, I believe they stated Mt. Juliet,
     Tennessee, and that he had been adopted. I don't see
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     Ms. Daughtrey, just so you know.
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                   MS. DAUGHTREY: Okay. I do -- I am here.
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     I'm going to work on getting this set up on my Mac
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     computer.
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                   THE COURT: That's fine. We can still
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     hear you. So you can keep going.
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                   MS. DAUGHTREY: Okay. I will do that.
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     BY MS. DAUGHTREY:
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                  And so I'd like to turn to the second
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     exhibit, Exhibit No. 2.
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             Α.
                   Yes, ma'am.
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                  Can you tell us what -- do you recognize
            Ο.
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     this?
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- A. Yes, ma'am, I do.
 - Q. And can you tell us what -- what it is?
- A. This is a screen capture from the video that was found on the third victim in Virginia's cellular device.
 - Q. Okay. And -- go ahead.
- A. And it's a -- it came from a video that was recorded and sent to the third victim. It depicts the two original victims that they found, the two brothers, the two brothers' father has a construction business in that area, and this is the web page for his construction business. And the person that created this captured his web page and reworded the text on the web page, only the text. Everything else on his web page looked the same. And it's -- it's a threat toward the two original victims given to the neighboring -- the neighboring victim.
- Q. And what was the reaction of the (indiscernible)?
 - A. I'm sorry?

THE COURT: I think the question --

MS. DAUGHTREY: Give me just a moment.

I'm getting feedback on two different computers.

24 That's better.

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BY MS. DAUGHTREY:

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- Q. All right. Let's try this.
- A. There you go.
- Q. Could you tell us what the response of the boy was that received this?
- A. The response of the boy told us that he received this from Caleb and that the three -- the three victims were -- were scared of Caleb.
- Q. Okay. Was this the kind of threat that the boys were receiving from him in order to -- that was the reason why they were continuing to film these videos?
- A. Some of that, that's correct. Would you see that in some of the chats. We didn't understand what that was. Some of that we probably still don't understand. But there were numerous chats where the boys would talk about, don't kill me or don't do something to me. And (indiscernible) --
 - Q. Okay.
 - A. -- images.
- MS. DAUGHTREY: Your Honor, at this time I would ask that Exhibit 2 be entered into evidence.
- THE COURT: All right. It will be admitted.

1 (Government Exhibit No. 2 was admitted.) 2 MR. BRANDON: Your Honor, could I just 3 object generally to the foundation of that evidence. 4 All I have is a photograph of what looks like a 5 screenshot and testimony that it was an edited copy of 6 somebody's website but don't have any information 7 backing that up. 8 THE COURT: Okay. 9 MS. DAUGHTREY: I can ask a few more 10 questions. THE COURT: Okay. 11 12 BY MS. DAUGHTREY: 13 Where exactly did this screenshot come 0. from? 14 15 The screenshot came from a video that was Α. 16 captured on victim 3's cell phone. The video is -- I 17 don't know the length of the video, but it's a -- it's It's as -- it's 18 a short video, three or four seconds. 19 someone that's holding a cell phone looking at the 2.0 computer screen, scrolling down the screen. It makes 2.1 it look like it's a dark net site. It says at the top 22 of the screen .tor, referencing the end router or TOR, dark net. 2.3 2.4 And it's changed the text contest --25 content, I'm sorry, from what the construction company stated to — it talks about the first sentence is the same, founded in 2009, Duran Contracting is a home company. We value your needs and wants and are happy to provide you with children. My first son and and next, are unique children. The doctors said to us they have special organs that we will sell for 2,000 to \$5,000. We charge more if you want to kill my children. This is a private site and we ask you to keep it secret.

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It scrolls down through there. So I wasn't able to provide you the -- the copy of the video for this. I just gave you a copy of the screenshot of the first portion so you'd know what it was.

- Q. Okay. And you indicated that this video was on the third Virginia victim's computer; is that correct?
 - A. I believe it was his cell phone.
- Q. His cell phone, I'm sorry. And did he indicate where he got this information or where he --
- A. He indicated that it came from Caleb Jordan.
- Q. Okay. All right. One of the... One of the chats in Exhibit 1 that I'm not sure is reflected in the -- in the statement -- or the affidavit of

complaint, refers to -- or is a conversation between fun kid -- funkid10_YO and Rick_00. At some point is there mention of any problems that the boys were having with the -- with the video?

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A. So what we believe the context is saying is that they weren't creating the videos in the manner that — that he wanted them to create the videos. So if they would not create the videos correctly, then he would make them redo the videos in a different — different way or a different position.

As the chats run through, you can see that he's talking about if -- if you can't do on it a bed, do it on a chair, hold his head a certain way.

Make sure you hear him gag, put it all the way in.

You hear these terms being used. And the boys -- the victims responding to the affirmative.

- Q. Okay. And at some point someone talks about crying; is that correct?
- A. That's correct. The chat talks about what we believe is the youngest victim crying during being sexually assaulted by the older victim. We found other videos on the thumb drives and other things where there's several several victims that appears to be crying (indiscernible).

MS. DAUGHTREY: I believe that's all the

1 questions I have at this time. THE COURT: All right. Mr. Brandon. 3 MR. BRANDON: Thank you, Your Honor. 4 CROSS-EXAMINATION 5 BY MR. BRANDON: 6 Ο. I just heard the words several victims 7 crying. I'm wondering who's -- who -- which victims 8 you're referring to in that instance. 9 Α. The other ones we don't know who they 10 are. 11 Q. So you're saying there are additional 12 people depicted in the videos between these same 13 names; is that right? 14 Α. No, sir. 15 Q. Okay. These are other videos that we discovered 16 Α. 17 on electronic devices at his residence. 18 All right. Well, let's talk about that. I think you said that there's a cell phone, an iPhone, 19 2.0 and then a thumb drive; is that right? 2.1 Α. There's several thumb drives. Okay. This cell phone had some --22 Q. 2.3 something like 88,000 files on it? 2.4 Somewhere in that neighborhood, but I 25 don't know how many of those are images or videos or

text documents or -- it's just a lot of files.

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- Q. Right. An iPhone -- any iPhone would likely have a lot of files on it; right?
- A. As long as it's not brand-new, it should, yeah.
- Q. Right, right. So you don't know how many of those might be pornographic?
 - A. Not today, no, sir.
- Q. And then the thumb drives have some 20,000 files that you're aware of?
- A. Well, that's for images and videos. It may have other files that I'm not certain of, but, yeah, around 20,000 total-ish, somewhere in there.
- Q. And you said that some of them are child porn -- what you believe to be child pornography; right?
- A. That's correct. So the ones that would fit the definition that I see would be as of right now, a little over 4300 would fit the federal definition for child pornography. But that's between the thumb drives and the cell phone. I don't believe the laptops and I know the other gaming devices and other things have not been been examined yet to date.

So I can't tell you what was on the phone

as opposed -- right now today what was on the phone as opposed to what was on the thumb drives. It doesn't -- as we build stuff into it, it carries all into one case number. Does that kind of make sense?

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- Q. Yes, I understand. And the -- your evaluation that they would meet the federal definition is based on a forensic examination by a computer program; is that right?
- A. No, it's based on me visually looking at them.
- Q. And, again, I think you had said that there were that there were multiple victims in videos you'd seen that were not the two names that we've been discussing; is that right?
- A. There are multiple children, which we assume are going to be victims. We haven't identified them. And haven't, to date, figured out where that evidence derived from. We just know it's on the device.
- Q. Okay. And I'm just trying to figure out how -- how you -- am I correct in thinking that you've concluded that those were not just images that were floating out on the -- on the Internet. They were not premade but, rather, they were made by or for Mr. Jordan?

- A. That's correct, that's what we believe.
 - Q. And --

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- A. They fit --
- Q. Sorry.
- A. They fit and they are the same mold and the same characterizations as the other videos that he was doing previous to his 18th birthday and then now. You'll see videos where there's several it's predominantly males, young males. The child pornography runs the gamut from abuse of infant and toddler all the way to adolescent, 12, 13ish years old.

But the -- some of the images we see are, like, boys sitting on each other's faces. Some of them are wearing clothes and then some of them are not. And then you'll see them progress into then having sexual acts with the -- with each other.

- Q. And the boys sitting on each other's faces, that was a -- sort of a theme from the previous prosecution of Mr. Jordan as a juvenile; right?
- A. That's what I was -- that's what I was informed of, that's correct.
- Q. Okay. And that was a prosecution or investigation led by the TBI; right?
 - A. Well, there was -- there were two.

Wilson County had one on him at one point and then TBI had an investigation on him at one point. Both were when he was a juvenile. And I would be guessing to tell you which -- which one. I think you're correct at TBI. I just -- off the top of my head, I just don't remember.

- Q. Right. And the TBI was involved in this -- this arrest and investigation as well; right?
 - A. His current charges?
 - Q. Yeah.

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- A. Yes, sir. Wilson County, TBI, FBI and HSI.
 - Q. Okay. I want to talk a little bit about the additional allegations in in your affidavit.

 And I am correct in thinking that this is your affidavit; is that right?
 - A. That's correct.
 - Q. And did you -- did you write it as well as approve of it, sign it?
 - A. Correct.
 - Q. Okay. There are a number of victims referenced -- and I'm just going to go by the name -- the labels that you've given them, which were minor victims 1 through -- I forget the last one, but is that all right?

1 A. That's fine.

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- Q. Okay. So there's -- the first one is

 Minor Victim 1 who is said to be 14 years old; is that

 right?
 - A. There's several. Let me make sure I'm where you're at here.
 - Q. And I think it's on page --
 - A. Yeah, that is -- yeah, that was about a -- that was TBI's victim.
- 10 Q. Okay. And when you say TBI's victim,
 11 what does -- what does that mean?
- 12 A. A victim that TBI had identified. We 13 have not as HSI.
- Q. I see. But you have included them in the affidavit?
- A. Correct, that was information I received from TBI.
 - Q. Okay. And TBI informed you that they received an investigative referral from a community member stating Caleb Jordan solicited sex from Minor Victim 1; right?
 - A. That's correct.
- Q. And then on page 4 it sort of follows up on that and said Jordan also requested a blow job from Minor Victim 1 for \$800 in return. You see that?

A. Yes, sir, paragraph 8.

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- Q. Is that the -- do you assume that is the incident referred to on page 2 regarding soliciting sex?
- A. I think that's correct. I don't remember the person that TBI told me that how they got the lead or the referral. I just know that it was a person in the community, and I think it was a group of victims, not just you know, eight victims that didn't know each other. From what I remember from FBI, it was a group of victims that all knew each other.
- Q. And is it fair to say they were all on the same group chat?
 - A. I don't know. I'd have to ask TBI.
- Q. Okay, okay. So your knowledge is somewhat limited about -- about these -- what I call the enumerated victims --
- A. Yeah, the ones that that's correct. The ones that TBI gave us and talked to us about, we don't have their information or the victims' information. I don't even have a case file on these people yet. The ones that I would know the most about would be the ones that are in Virginia.
 - Q. Okay. On page 4, this is just about

Minor Victim 1, again it says Jordan knew

Minor Victim 1 was 14 years old since they have known
each other for a long time. Do you know anything
about what that means?

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- A. No, sir. From what I -- from what I recall, the TBI told me that they went to school together. And that -- I can't remember if he told me because they were in the same grade he knew the age at that time or if they were in the same school, he knew the age of the defendant at that time. I don't recall.
- Q. And just to be real clear about this, Mr. Jordan, you understand him to be 19 years old; right?
 - A. 19 and some months as of today.
- Q. Right. And so as of the TBI -- the original earlier TBI investigation, the prosecution would have been when he was maybe, what, 17?
- A. It was a juvenile. Yes, sir, he was a juvenile.
- Q. Okay. And so when -- when these people who are currently 14, they might have known him when he was younger; right?
- A. That's correct. Hang on. My lights turned off on me because I've been still, so.

That's the way I understand it. I don't know -- you would have to talk to TBI about -- specifically about these. I don't recall that all of the victims were around the same age or if they ran different age -- if there was a gap in their ages. That I just don't know.

- Q. Right. And there are references and I'm just going to jump around since obviously your knowledge is a little bit limited here, but there's references, for instance, to Minor Victim 3 having sent a screenshot to Minor Victim 2 of some what's alleged to be child pornography. Did you see that?
 - A. Is that No. 16?

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- Q. Let's see. Yeah, in paragraph 16, for instance.
 - A. Yes, I see it.
- Q. Do you know if there's any investigation into Minor Victim 3, for instance, for transmitting child pornography to Minor Victim 2?
 - A. Not that I know of at all.
- Q. Is it -- do you know -- let me see how to ask this. Are the screenshots of the kinds of videos that you referred to earlier, like with the people in Virginia? Do you know what kind of screenshots are being sent?

1 Α. I don't understand your question, I'm 2 sorry. 3 Q. It says that -- that Minor Victim 3 sent 4 a screenshot to Minor Victim 2 of some pornographic 5 material. 6 Α. Okay. 7 Do you know what the content of those 8 screenshots were? 9 With the TBI, I do not. Α. 10 Okay. And on page 5, for instance, I Ο. 11 think it's paragraph 16 again, it says Minor Victim 3 stated that he'd known Jordan since the sixth grade. 12 13 Do you see that? 14 Yes, sir, I do. Α. 15 Okay. And so -- so, again, presumably Q. 16 they knew each other when they were both minors; 17 right? That's -- that's my understanding, 18 Α. 19 correct. 2.0 Q. And now Mr. Jordan has sort of aged out 2.1 of being a minor; right? 22 Yes, sir. He's 19 and four months or Α. 2.3 something. 2.4 Right. There's -- on page 3, it's Ο.

referring to Minor Victim 4, and it says

- Minor Victim 4 received screenshots of a conversation
 between Jordan and an individual using the name Robert
 Prowl. Do you know who Robert Prowl is?
 - A. We believe Robert Prowl is Mr. Caleb Jordan.
 - Q. I see. So you -- you think that that's sort of a fake account or something?
 - A. I don't necessarily know that it's fake, but I think the name is probably fake. It comes back to his Vol State college email address.
 - Q. And then -- and then on page 3 it describes Minor Victim 5 and Minor Victim 6 who appear to be siblings in Pennsylvania?
 - A. Yes, sir.

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- Q. And it says that they were -- that they were victims in the previous 2018 investigation involving Jordan when he was a juvenile; is that right?
 - A. Yes, sir. Yes, sir.
- Q. And it alleges that Mr. Jordan was trying to reach out to minor victim on Facebook and Instagram again; is that right?
 - A. Yes, sir.
- Q. Do you have any understanding that it got farther than that?

A. I don't believe it did. The TBI agent that handled his juvenile case is still in contact with the mother of these victims. I do know that. And I believe she was the one that stated that that had occurred. And she caught that and basically stopped it.

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- Q. And I guess what I'm asking is to the extent that they are that they are alleged to be victims, they were alleged to be victims of the of the past juvenile investigation, but that they have there's no allegation that they have been specifically solicited to send child pornographic material while Mr. Jordan was an adult; is that right?
- A. That's correct. To my knowledge I don't know that any of the TBI victims in the affidavit or -- or the Wilson -- or if Wilson County had any victims that I'm not aware of either. I don't know that any of those that I can think of right now have had conversations -- not to my knowledge, while he was an adult. I think my intent on showing this to the Court was to just show his previous -- previous history of -- of the defendant.
- Q. I understand. On page 6 it discusses Kid Crazy and Application A?
 - A. Yes, sir.

1 Q. Can you explain what Application A is? 2 Application A is a foreign-based chat Α. 3 service. And your assumption is -- the assumption 4 Ο. 5 here is that Mr. Jordan is Kid Crazy? 6 Α. Yes, sir. 7 Okay. And so the allegation is that --8 is that Mr. Jordan is using this foreign-based chat service to solicit things? 9 10 To sell child pornography. Α. 11 Q. Okay. So on page 6 it states that Kid 12 Crazy was claiming to be producing videos of himself 13 sexually assaulting who he claimed was his younger 14 brother. Do you see that? 15 Α. That's correct. Yes, sir. 16 0. Do you have any evidence, for instance, 17 that Mr. Jordan has a younger brother? 18 No, sir. Α. 19 Okay. Do you have -- is there any 2.0 evidence of him being involved in any videos? 2.1 Being involved -- not to date, not that Α. 22 I'm aware of. 2.3 And your -- your initial question is a

I mean to say, himself personally appearing

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good one.

in any videos?

- A. Not that I'm -- not that I have seen, but I -- you know, not saying it's never happened. I'm just saying I don't have that to date, basically.
- Q. And he claimed to be able to provide custom videos here; right?
 - A. That's correct.

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- Q. And those -- those, again -- that might be a reference to videos of other people, but you don't have any -- any evidence that he's making custom videos of himself?
- A. Of him -- of himself, not that I'm aware of.
- Q. Right. Two words that were not used in -- in the affidavit or previously in your testimony here are autism and Asperger's. And do you understand -- do you have any knowledge about Mr. Jordan's diagnosis with -- on the autism spectrum?
 - A. No, sir, I do not.
- Q. Have you had any discussions with TBI about that?
- A. Not autism. There was a statement that TBI told us that he may possibly have some type of Asperger's syndrome or symptoms, but they didn't know anything other than that he had stated that. But the day that I -- I believe the day that we did the search

warrant, I showed up about the time -- because, you know, even on the front end of this, we're still having to do -- you know, I came to see the Judge, right. So I was the last one to get to the house by the time I got the documents from the court and were able to go out there and give the warrant.

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When I -- when we were leaving, they asked him if he had any medication, and one of the medications he stated was -- he stated was for Asperger's.

Q. Okay. And I'm going to ask you just a little bit about the warrants that you've referenced. And I'm not going to try to get into probable cause or anything, but I just want to make sure that we're all talking about the same stuff here so I understand.

On page 3 of the -- of the complaint -- or the affidavit, it says in November 2019 TBI submitted subpoenas to Instagram. Those subpoenas, do you know what they were seeking?

- A. No, sir, I have not seen them.
- Q. Okay. And it says that what they received from it was subscriber information, email addresses of accounts and IP addresses. Is that your understanding?
 - A. Yes, sir, that's correct.

- Q. Do you know whether they received any -- any messages, direct messages or other content from within the accounts, as it were, from those subpoenas?
- A. From Instagram they they did a search warrant after the subpoenas.
- Q. Right. And then on page 4 on paragraph 13 it says that they -- TBI executed a search warrant; is that right?
- A. Yeah, I'm assuming it's page 4, but that's correct, they did.
- Q. I see. And so it was only from the search warrant that they received content --
 - A. (indiscernible).

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- Q. -- from within the account?
- A. Correct. It takes a search warrant to get actual content, videos, text messaging. The subpoenas would have given them account information, IPs, stuff that's not content in itself.
- Q. And then you you earlier referred to another warrant, and that was the search warrant of the house; right?
 - A. That was my warrant.
- Q. Right. And that was to -- I'm just trying to get -- make sure I understand what all warrants were involved, to your knowledge. That was

the search warrant to go search his house?

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Now, they may have other peripheral documents that I don't have to date, maybe the returns for all those things. I don't particularly possess them. We can — we can get those, but I have not seen everything they have, only the return that we started to go through with TBI in the Instagram account.

- Q. And just since you talked about the thumb drive and the cell phone, were those the search warrant that you had for the house, that allowed you to search the cell phone and the thumb drive?
 - A. That's correct.
- Q. And were -- was there any sort of encryption or did you have to break into those in any way?
 - A. I don't believe the thumb drives were

encrypted. The phone is encrypted and I know the laptop has some type of encryption on it. We found some documents in his bedroom where he talks about trying to learn about encryption. He talks about trying to learn about stealing someone's IP. I mean, there's several things that you would -- for the -- for the lack of a better term, the general term hackers would see that. That stuff was in there, but the phone was not -- it was not -- he didn't have it in a vault or encrypted by some secondary or third party. It was encrypted by Apple just by, you know, what is your passcode.

Q. Right.

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- A. And he didn't want to give us his passcode, which is fine.
 - Q. (indiscernible)?
 - A. I'm sorry?
 - Q. How did you get into it?
- A. We have programs called GrayKey that gets into the actual phone. So it circumvents the passcode on the phone and then we're able to digest the actual phone. So the laptop, I know, had some encryption things on it, but the boot hard drive for the laptop was not encrypted, so we should be able to get into that laptop as well.

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                   MR. BRANDON: Your Honor, could I have
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      just one second?
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                   THE COURT: Yes, you may.
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                                 Those are all my questions,
                   MR. BRANDON:
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     Your Honor.
                   THE COURT: Thank you, Mr. Brandon.
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                   Ms. Daughtrey, any redirect?
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                   MS. DAUGHTREY: Yeah, I would like to
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      just clarify a few things if that would be okay.
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                   THE COURT: You may.
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                   MS. DAUGHTREY: It will be quick.
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                       REDIRECT EXAMINATION
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     BY MS. DAUGHTREY:
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                   So, Agent Hendrix, you talked about
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     the -- the review of some of the seized devices so
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     far. And you indicated there were almost $4,300 --
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     4300 images and videos.
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                   What percentage of those items have you
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                 Is it 100 percent or?
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             Α.
                   You mean of the items we took?
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                   Yeah, of the items that you've begun
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     looking at.
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                   Oh, the percentage that we've looked at,
             Α.
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     all those items? Probably a quarter. Probably a
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     quarter.
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1 Q. Okay.

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THE COURT: I'm sorry to interrupt. Is that a quarter of all of the items or a quarter of the items you've started to look at?

THE WITNESS: I'm sorry, Your Honor. A quarter of the items that we've begun to look at, we're about 25 percent through actually looking at those devices.

THE COURT: Okay.

BY MS. DAUGHTREY:

- Q. And have you run some of those images and videos against the National Center for Missing and Exploited Children (inaudible) database?
- A. We ran it through Project VIC database, Project VIC database showed 4,000 plus or something, I can't remember the exact number, but it was several.
- Q. Okay. And that was known victims or previously viewed child pornography; is that correct?
- A. Previously viewed. We would have to submit it direct to NCMEC, which they are closed right now because of the COVID-19. To verify that, we would have to submit it directly to NCMEC and get it back.
 - Q. Okay.
 - A. We won't do that until we're done with --
 - Q. Right.

- A. the entire thing.
 - Q. Right. But according to your database, quite a few of those images and videos were -- have never been seen before. They're unknown?
 - A. That's us looking at it ourselves.
 - Q. Yeah.
 - A. No.

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- Q. When you wrote this affidavit for the arrest warrant, was a TBI agent with you?
 - A. Yes, ma'am, and an FBI agent.
- Q. And an FBI, okay. So you were getting the information for the affidavit directly from a TBI agent; is that correct?
 - A. Yes, ma'am, that's correct.
- Q. Okay. And the victims that are mentioned in here, like victims 1 through 7, those are -- those are victims that had been interacting with Mr. Jordan since October of this year; is that correct?
- A. That's the way I understand it, but that's from -- that's from TBI.
 - Q. TBI, right.
 - A. (indiscernible).
- 23 Q. You haven't independently verified that?
- 24 A. No, ma'am.
- 25 Q. But your understanding is that Mr. --

Mr. Jordan has been reaching out to these victims, some of whom are repeats, since he's been an adult?

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- A. That's correct, but that's just what I was told.
- Q. Okay. And I think Mr. Brandon asked you about whether or not he was soliciting minors on Application A or -- yeah, Application A. Can you tell us where you-all found that he was actually soliciting the minors to produce the child pornography?
- A. I -- I think his question, unless I misunderstood it was it wasn't soliciting minors, but he was chatting on Application A website for some type of child pornography. What he was doing on Application A was the attempt to sell child pornography that he would state he could produce or would produce and could make custom child pornography at the request of an individual.

The applications that he was using to solicit or communicate with individuals was Instagram, Snapchat, I want to -- I want to say email, and then straight from the phone texting. There may have been others. I just know those off the top of my head.

- Q. All right. So he wasn't using Application A to communicate with the boys?
 - A. Not -- not with minors that I recall, but

- I -- I've only -- we have that, I just -- I really
 haven't had time to look at it. So I -- it's -- I
 don't know how to answer your question yet.
 - Q. Okay. So basically you're telling us that you're just in the very beginning of these investigations?
 - A. The infancy of that. I know I can say he did these other things, but as far as other victims, I -- as of today, I don't know.
 - Q. Okay. And then just going back to the affidavit --
 - A. There we go, sorry.
 - Q. That's okay. When you wrote that affidavit with the TBI agent and an FBI agent, you submitted it for my review; is that correct?
 - A. Yes, ma'am.
 - Q. And I made some edits to it; correct?
 - A. Yes, ma'am.
 - Q. And then you reviewed it in its entirety to verify any edits that I made were accurate; is that correct?
 - A. That's correct. I think we went back, like, three times.
- 24 Q. Okay.

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MS. DAUGHTREY: I believe that's all the

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     questions I have at this point.
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                   THE COURT: All right. Very good.
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     Ms. Daughtrey, do you have any other proof you want to
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     put on at this time on probable cause?
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                  MS. DAUGHTREY: You're on mute,
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     Your Honor.
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                   THE COURT:
                               Thank you.
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                   MS. DAUGHTREY:
                                   Sorry, Your Honor.
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                   THE COURT:
                               That's all right. I'm sorry,
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     thank you. Do you have any other proof that you want
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     to put on at this time, Ms. Daughtrey, on probable
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     cause?
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                  MS. DAUGHTREY:
                                   No, I do not.
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                   THE COURT: All right. Very good.
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                   Mr. Brandon, anything you want to put on?
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                  MR. BRANDON: I have no additional proof,
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     Your Honor.
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                   THE COURT: All right. Do y'all want to
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     be heard? Ms. Daughtrey?
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                   MS. DAUGHTREY: No, Your Honor.
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                   THE COURT: All right. Mr. Brandon?
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                  MR. BRANDON: No -- no extensive
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     argument, just that I would note that, again, I think
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     the -- I think the proof is a little -- a little
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     skimpy on the victims 1 through 8 or whatever the
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numbers were and that the affidavit of complaint doesn't firmly establish the -- I think the victimhood of the -- of the people who we only learned are from Virginia in the testimony.

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And so I'm a little concerned about that it's only the agent's testimony today that really establishes the victim's age and their association here and that a lot of that is not really in the affidavit of complaint. And that would be my only argument, Your Honor.

THE COURT: All right. Thank you,
Mr. Brandon.

MS. DAUGHTREY: Yes, Your Honor. I believe that there are several of those victims that are listed that the TBI has been working with, not Agent Hendrix, but the TBI that clearly indicate that there are minor victims whom he's soliciting and trying to coerce into providing recorded child pornography to him or sex directly.

Ms. Daughtrey, anything in response?

And, of course, that latter was not -- is not charged, but I do believe that there is sufficient proof to establish probable cause that there is attempted production of child pornography, as well as transportation of child pornography.

It's clear that he transported the child pornography to the HSI undercover agent and that was confirmed in there, so that transportation is, I think, clearly established. And with regard to the solicitation, I think some of the boys have talked to TBI agents in recent months about being solicited for production of child pornography. But also the Virginia children who were in the video that the HSI agent purchased, the conversations between the two of those victims and Mr. Jordan clearly indicate that he was soliciting child pornography from them, he was instructing them. And it matched the child pornography that the HSI agent purchased from Mr. Jordan. So I think -- I think there is more than sufficient probable cause to establish the two charges.

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THE COURT: All right. Very good.

The Court's heard the proof on this matter. And as the parties are well aware, the burden on the government at this stage of the proceedings is very low. The Court's satisfied, based upon the testimony of the agent in this matter, that the government has sufficiently established probable cause as to both of the counts, production and transportation of child pornography based on the proof

1 and the evidence I've heard in this matter. Ms. Daughtrey, is there anything further 3 from the government's standpoint we need to do today 4 in this case? You're on mute. Ms. Daughtrey, I think 5 you might be muted. We couldn't hear you. 6 MS. DAUGHTREY: My apologies for the --7 for the direct examination. I was very flustered and 8 not used to this online stuff. 9 THE COURT: That's okay. 10 MS. DAUGHTREY: Yeah, so. 11 THE COURT: Nothing further? MS. DAUGHTREY: 12 Thank you. 13 THE COURT: That's it? 14 MS. DAUGHTREY: No, that's it. 15 THE COURT: Mr. Brandon, anything else 16 for Mr. Jordan today? 17 MR. BRANDON: Nothing further at this 18 time, Your Honor. 19 THE COURT: All right, very good. 2.0 you very much. Thank you to everyone for your 2.1 participation and your patience in this process. 22 Mr. Jordan, Mr. Brandon will be available 2.3 to talk to you later to discuss your case further and 2.4 will continue to communicate with you during this

And with that -- oh, I wanted to ask one

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time.

question, Ms. Daughtrey, with regard to the exhibits. 1 2 Those are to be under seal; is that correct? 3 MS. DAUGHTREY: Yes, Your Honor. I would 4 ask that they be placed under seal. They have 5 identifying information potentially of the victims, 6 so. 7 THE COURT: All right. Those -- those 8 will be under seal. And, again, if I didn't say it 9 earlier, you can each keep a copy of the Pretrial 10 Services Report in this matter. And the Court will enter the order to the 11 12 effect of Mr. Jordan waiving and reserving on the 13 detention issue in this case. Thank you all again 14 very much and we'll be in recess. 15 Thank you, Your Honor. MR. BRANDON: 16 MS. DAUGHTREY: Thank you. 17 ***END OF ELECTRONIC RECORDING*** 18 19 2.0 2.1 22 2.3 2.4 25

1 REPORTER'S CERTIFICATE 3 I, Roxann Harkins, Official Court Reporter for the United States District Court for the Middle 4 5 District of Tennessee, in Nashville, do hereby 6 certify: 7 That I transcribed from **electronic** 8 recording the proceedings held via video conference on 9 April 23, 2020, in the matter of UNITED STATES OF 10 AMERICA v. CALEB JORDAN, Case No. 3:20-mj-2336; 11 that said proceedings in connection with the 12 hearing were reduced to typewritten form by me; and 13 that the foregoing transcript is a true and accurate 14 transcript of said proceedings. 15 16 This is the 14th day of October, 2020. 17 18 s/ Roxann Harkins ROXANN HARKINS, RPR, CRR 19 Official Court Reporter 2.0 2.1 22 23 2.4 25